UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1991/NGO/39
28 August 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-third session
Agenda item 18

PROTECTION OF MINORITIES

Written statement submitted by International Association of Educators for World Peace, a non-governmental organization in consultative status

(category II)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[26 August 1991]

1. "All men are born equal. Some are more equal than others" (George Orwell). This is a very well-known and much quoted and misquoted saying. The fact is, however, that there are many inequalities that exist all around us. The disabled people of the world, and they are of the largest minority - nearly 600 million of us are the most unequal of all groups. It took us many years of struggle and, as the cliché goes, "with much blood, sweat and tears" to get a document such as the World Programme of Action concerning Disabled Persons to be written and adopted by United Nations General Assembly (resolution 37/52) in December 1982. To we who are disabled, the most vital of the three parts embodied in this, the "Magna Carta" of disabled people, is the last section, namely the equalization of opportunity.

2. Disabled Peoples' International, and other disabled people as well, deeply appreciate the opportunity given to us by the Sub-Commission on the Prevention of Discrimination and Protection of Minorities to have our voices heard. Furthermore, we are indeed doubly pleased to have a Special Rapporteur in Mr. Leandro Despouy, who has so empathetically reflected most of our views. We consider the equalization of opportunities, as enunciated in the World Programme of Action, underlined in the report on human rights and disability (E/CN.4/1991/31) and most effectively supported by the members of the Sub-Commission to be vital to human rights values for disabled people. It is our hope that this first step will lead to disabled people being equal to their non-disabled compatriots in all aspects of life and living. Paragraphs 203-217 of the report address issues that are of vital importance.

3. The World Programme of Action talks in terms of rehabilitation. However, this presupposes several fundamental preconditions, namely that rehabilitation services are considered "good" for the disabled person. This may well be the case. However, a disabled person feels he/she is not in charge of what is being done to him/her or what the outcome will be. Therefore, for this to be effective, there must be two important preconditions:

(a) The disabled person must necessarily be part of his/her rehabilitation process; if, however, he/she is unable effectively to participate in this process, then the disabled person should have the right to nominate a person to be his/her advocate;

(b) The rehabilitation process must work within predetermined timeframes and with the approval and acceptance of the person concerned. This process and its duration should be explained prior to its commencement.

4. While applauding the World Health Organization's initiatives and the great success they have had with the Community-based Rehabilitation Services, we now feel that it is timely to shift the emphasis from the rehabilitative process to the integrative one in the community.

5. Rehabilitation tends to place all the activities of returning into the community squarely on the rehabilitee. This is now found to be somewhat unfair. Not only was the disabled person required to make the conscious effort at adjustment, he/she also had to make the physiological, physical and social transition from a non-disabled person to one with disability.

6. It is, however, considered to be more logical for the Government to take the necessary steps to make the environment more accessible to all its citizens, including people with disability, women and children.

7. Integration, at all levels, should be the <u>modus operandi</u> for the 1990s and beyond, in the field of education and training, cultural and social activities, economic and political systems, housing, transportation and in areas of recreation.

Disability rights and welfare institutionalization

8. The common practice of Governments to leave the disability issue in the hands of "charity" or "welfare" has resulted in serious violations and disregard of disability rights. Governments tend to make laws that protect welfare institutions against efforts by disabled people to protect their human rights, such as the right to a minimum wage, freedom of choice and acceptable working conditions. Therefore, to resolve this problem, Governments should be required to take up their social and economic responsibilities towards disabled people and not leave that entirely in the hands of charity. This should be a right protected by law.

9. Democratization of the process of formulating and implementing legislation is essential. Involving organizations of disabled people in both these processes will ensure that disabled people fully enjoy their rights and that their rights are truly protected by the law. Most existing legislative measures affecting the rights of the disabled have been the result of intervention by public welfare bodies or so-called experts on disability who usually never consult disabled people or their organizations. It is, therefore, not surprising that very often the result of such inputs, namely the eventual legislation, often operates against the disabled people it is supposed to protect.

10. The concept of charity has contributed substantially to the degradation of people with disabilities and to serious abuses of fundamental rights of disabled people. Because disabled people have to beg for charity in order to eat, drink, get dressed, be educated and receive medical attention, they have been expected to be grateful as well and not to "bite the hand that feeds them".